

REMARKS

Claims 1-5 are pending in the application. Claims 1-3 are rejected under 35 U.S.C. §102(e) as being anticipated by Cox, Jr. et al. (U.S. Patent 6,462,760). Claims 4 and 5 are rejected under 35 U.S.C. §103(a), as being unpatentable over Cox in view of Pinard (U.S. Patent 5,898,432).

Regarding the rejection of independent Claims 1-3 under §102(e), the Examiner alleges that Cox renders the claims unpatentable. Cox discloses user interfaces, methods, and computer program products that can conserve space on a computer display screen by associating an icon with a plurality of operations.

In each of amended Claims 1, 2 and 3, when a change in a state of a portable terminal operation occurs, a different function is registered to the related individual state indicator corresponding to the current change in the state of the portable terminal operation and the state representation of the state indicator is altered. Thus, in Claims 1-3, a change in a state of a portable terminal operation produces a change in the function and appearance of the state indicator.

In Cox, an icon's appearance and operation changes in response to input from a user; no state changes are used by Cox to change the appearance or operation of an icon. A user changing the appearance and operation of an icon is not and cannot be equated with the registering of a different function to the related individual state indicator corresponding to a current state change as recited in the claims of the present application.

In addition, the claims of the present application relate to a state change of a portable terminal operation. The Examiner contends that the "find", "replace" and "replace all" functions of Cox relate to the operation of a portable terminal. Cox discloses a state change of an icon (i.e.

the “find”, “replace” and “replace all”), and does not teach or disclose a state change of an operation of a portable terminal. In other words, the “find”, “replace” and “replace all” of Cox relate to a “registered function” (function registered to an icon), and do not relate to a “portable terminal operation”.

Still further, an icon of Cox performs functions which are unrelated to a change in a state of a portable terminal operation, and in addition do not indicate both a state change of the portable terminal operation and allow the execution of functions related to the changed portable terminal operation state as in the claims of the present application.

Still yet further, in col. 5, line 55, Cox teaches that its function of icon is periodically and progressively changed in predetermined order (i.e. “Find” → “Replace” → “Replace All” → “Find” →), according to a continuous occurrence of alternative operation requests by users. Therefore, in Cox, when a state change of portable terminal operation occurs, an icon does not register a function corresponding to the current state change and indicate the state change of portable terminal operation, as in the claims of the present application.

MPEP §2131 Anticipation, clearly states that to anticipate a claim, the reference must teach every element of the claim.

In addition, The United States Court of Appeals for the Federal Circuit recently held “that unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102.” *Net Moneyin, Inc., v. Verisign, Inc.*, 545 F.3d 1359 (Fed. Cir. 2008).

Cox does not teach every element of the claims and does not disclose within the four corners of the document all of the limitations claimed nor all of the limitations arranged or combined in the same way as recited in the claims.

The Examiner has not met his initial burden of proof to establish a prima facie case for the §102(b) rejection.

Based on at least the foregoing, withdrawal of the rejection of Claims 1, 2 and 3 under §102(e) is respectfully requested.

Regarding the rejection of independent Claims 4 and 5 under §103(a), the Examiner alleges that Cox in view of Pinard renders the claims unpatentable. Pinard discloses an animated cursor.

Claim 4 recites, in part, registering an individual message reading function to the related individual message state indicator...when the message arrives and displaying an alteration of a representation of the related individual message state indicator corresponding to the message arrival, and Claim 5 recites, in part, registering an alarm function to the related individual alarm state indicator...when the alarm is set and displaying an alteration of a representation of the related individual alarm state indicator corresponding to the alarm being set. Thus in Claims 4 and 5, as in Claims 1-3, the change in the state (i.e. the arrival of a message or the setting of an alarm) produces a change in the function and appearance of the state indicator.

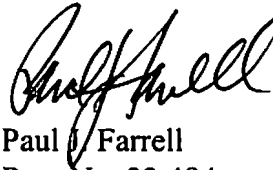
In Cox, an icon's appearance and operation changes in response to input from a user; no state changes are used by Cox to change the appearance or operation of an icon. A user changing the appearance and operation of an icon is not and cannot be equated with the registering of a different function to the related state indicator corresponding to a state change as recited in the claims of the present application. Pinard does not cure the deficiencies of Cox.

In addition, as many of the features of Claims 4 and 5 are similar to those recited in Claims 1-3, and as Pinard does not cure the defects of Cox, the arguments set forth above with respect to Claims 1-3 also apply to Claims 4 and 5.

Based on at least the foregoing, withdrawal of the rejection of Claims 4 and 5 under §103(a) is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-5, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written in a cursive style.

Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

The Farrell Law Firm, LLP
290 Broadhollow Road, Suite 210E
Melville, New York 11747
Tel: (516) 228-3565
Fax: (516) 228-8475